

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

COLTON HOLBROOK,

Plaintiff,

v.

MIDDLESEX WATER COMPANY, *et al.*,

Defendants.

Case No. 23cv3462 (EP)(CLW)

OPINION

PADIN, District Judge.

Colton Holbrook, a prisoner presently incarcerated in Bayside State Prison, New Jersey, has submitted a pro se complaint under 42 U.S.C. § 1983. D.E. 1. The Court originally administratively terminated the complaint because Holbrook had not paid the \$350 filing fee and the \$52 administrative fee or submitted an *in forma pauperis* (“IFP”) application. D.E. 5. Holbrook has now submitted an IFP application. D.E. 6.

“It is clear that the granting of [IFP applications] is committed to the sound discretion of the district courts.” *United States v. Holiday*, 436 F.2d 1079, 1079 (3d Cir. 1971) (per curiam). Holbrook’s account statement, dated July 13, 2023, evidences a prison account balance of \$1878.50. D.E. 6-1 at 4. His account has remained over \$1000 for the entire six-month period covered by the statement, and the highest balance was \$3073.38. *Id.* at 2-4. He also states that he is employed at the prison, receiving “[a]pproximately \$120.00” per month, and has an outside checking account with \$700. D.E. 6 at 2-3. Therefore, the Court concludes that Holbrook can pay the filing fee in this matter.

For the reasons set forth above, the Court will deny Holbrook's IFP application. The complaint will be administratively terminated until Holbrook pays the \$402 filing and administrative fees.

An appropriate Order follows.

Dated: August 1, 2023
U.S.D.J.

A handwritten signature in black ink, appearing to read "Evelyn Padin", written over a horizontal line.

Evelyn Padin,